

Mr. Cesar Hage
Plant Manager
GAF Materials Corporation
P.O. Box 655607
Dallas, Texas 75265-5607

Re: Permit Renewal
Permit No. 7711A
Asphalt and Roofing
Materials Manufacturing Facility
Dallas, Dallas County
Account ID No. DB-0378-S

Dear Mr. Hage:

We have completed the technical review of the above-referenced application and have prepared a preliminary decision and draft permit.

You are now required to publish notice of your proposed activity. To help you meet the regulatory requirements associated with this notice, we have included the following items:

- * Notices for Newspaper Publication (Examples A and B)
- * Instructions for Public Notice
- * Bilingual Notice Verification Form
- * Application Availability Verification Form
- * Affidavit of Publication
- * Notification List
- * Draft Permit
- * Executive Director's Preliminary Decision

Please note that it is *very important* that you follow *all* directions in the enclosed instructions. If you do not, you may be required to republish the notice. A common mistake is the unauthorized changing of notice wording or font. If you have any questions, please contact us before you proceed with publication.

The following items and time limitations are also described in the enclosed instructions. However, due to their importance we want to highlight them for you.

1. Publish the enclosed notice **as soon as practical but no later than 33 calendar days** after the date of this letter. Notice must be published in the same newspapers

in which you published the *Notice of Receipt and Intent to Obtain Permit* for this application.

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Re: Permit No. 7711A

2. You may also be required to publish notice in an alternate language (refer to the enclosed *Instructions for Public Notice* and *Bilingual Notice Verification Form*). Spanish and other alternate language versions of notice text are available upon request by contacting the project reviewer, Mr. Earl Jones at (512) 239-1351.
3. Place a copy of your complete application (including any subsequent revisions) and the TNRCC Executive Director's preliminary decision (including the draft permit) in a public place in the county where the facilities are or will be located. This copy must be accessible to the public for review and copying and remain in place until the commission has taken action on the application or the commission refers issues to the State Office of Administrative Hearings. Return the *Application Availability Verification Form* to the Office of the Chief Clerk and copies to those on the enclosed *Notification List* within **10 business days** after end of the comment period listed in the notices.
4. Return original newspaper tear sheets of the notices, which show publication date and newspaper name, to the TNRCC Office of the Chief Clerk and copies to those on the enclosed *Notification List* within **10 business days** after notices are published.
5. Return the original enclosed *Affidavit of Publication* and *Bilingual Notice Verification Form* to the Office of the Chief Clerk and copies to those on the enclosed *Notification List* within **30 calendar days** after the notice is published in the newspaper.

If you do not comply with **all** requirements described in the instructions, further processing of your application may be suspended or the agency may take other actions.

If you have any questions regarding publication requirements, please contact the Office of the Chief Clerk at (512) 239-3300. If you have any other questions, please contact Mr. Earl Jones at (512) 239-1351.

Sincerely,

James B. Randall, P.E.
Manager, Mechanical and Combustion Section
Air Permits Division
Texas Natural Resource Conservation Commission

JR/EJ/js

Mr. Cesar Hage
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February 1, 2001

Re: Permit No. 7711A

Enclosures

cc: Ms. Jole Luehrs, Chief, New Source Review, Section (6PD-R), Environmental Protection Agency, Region 6, Dallas
Mr. David Miller, Section Manager, Air Pollution Control Program, City of Dallas Environmental and Health Services, Dallas
Ms. Charlene Smith, Notice Team, Office of Chief Clerk, Austin
Ms. Bridgette Bohac, TNRCC Office of Public Assistance, Austin
Mr. Earl Jones, Air Permits Division, Austin
Mr. Snehal Patel, Environmental Law Division, Austin

EXAMPLE A

NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR RENEWAL OF AN AIR QUALITY PERMIT

PERMIT NO. 7711A

APPLICATION AND PRELIMINARY DECISION GAF Materials Corporation, P.O. Box 655607, Dallas, Texas 75265-5607, has applied to the Texas Natural Resource Conservation Commission (TNRCC) for renewal of Air Quality Permit No. 7711A which would authorize continued operation of a Asphalt and Roofing Materials Manufacturing Facility located at 2600 Singleton Boulevard, Dallas, Dallas County, Texas. This application was submitted to the Texas Natural Resource Conservation Commission (TNRCC) on September 8, 2000. The existing facility will emit the following air contaminants: particulate matter and products of combustion including (but not limited to) nitrogen oxides, sulfur dioxide, carbon monoxide, and organic compounds.

The TNRCC Executive Director has completed the technical review of the application and prepared a draft permit which, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision issue the permit. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at the Probate Court at Law No.1, 500 Main Street, Dallas, Texas. The facility's compliance file, if any exists, is available for public review in the Arlington regional office of the TNRCC.

MAILING LIST You may ask to be placed on a mailing list to obtain additional information on this application by sending a request to the Office of the Chief Clerk at the address below.

PUBLIC COMMENT/PUBLIC MEETING You may submit additional public comments or request another public meeting about this application. You may submit public comments or request a public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit comment or to ask questions about the application. The TNRCC will hold a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

You may submit additional written public comment to the Office of the Chief Clerk, MC-105, TNRCC, P.O. Box 13087, Austin, Texas 78711-3087 within 30 days of the date of newspaper publication of this notice.

OPPORTUNITY FOR A CONTESTED CASE HEARING After the deadline for public comments, the Executive Director will consider the comments and prepare a response to all relevant and material or significant public comments. **The response to comments, along with the Executive Director's decision on the application will be mailed to everyone who submitted public comments or is on a mailing list for this application. If timely hearing requests have not been withdrawn, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision.**

A contested case hearing is a legal proceeding similar to a civil trial in a state district court. **A person who may be affected by emissions of air contaminants from the facility is entitled to request a hearing. A contested case hearing request must include the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the**

EXAMPLE A

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statement "[I/we] request a contested case hearing"; (4) a specific description of how you would be adversely affected by the application and air emissions from the facility in a way not common to the general public; (5) the location and distance of your property relative to the facility; and (6) a description of how you use the property which may be impacted by the facility.

A contested case hearing will only be granted based on disputed issues of fact that are relevant and material to the Commission's decisions on the application. Further, the Commission will only grant a hearing on issues raised by you or others during the public comment period and not withdrawn. Issues that are not raised in public comments may not be considered during a hearing.

Executive Director ACTION A timely hearing request has been received by the TNRCC. However, if all timely contested case hearing requests have been withdrawn and no additional comments are received, the Executive Director may issue final approval of the application. If all timely hearing requests are not withdrawn, the Executive Director will not issue final approval of the permit and will forward the application and requests to the TNRCC Commissioners for their consideration at a scheduled commission meeting.

INFORMATION If you need more information about this permit application or the permitting process, please call the TNRCC Office of Public Assistance, Toll Free, at 1-800-687-4040. General information about the TNRCC can be found at our web site at www.tnrcc.state.tx.us.

Further information may also be obtained from GAF Materials Corporation at the address stated above or by calling Mr. Ceasar Hage at (214) 637-8919.

EXAMPLE B

Publication Elsewhere in the Newspaper:

TO ALL
INTERESTED PERSONS AND PARTIES:

GAF Materials Corporation has applied to the Texas Natural Resource Conservation Commission (TNRCC) for renewal of Air Quality Permit No. 7711A to authorize continued operation of an existing Asphalt and Roofing Materials Manufacturing Facility located at 2600 Singleton Boulevard, Dallas, Dallas County, Texas. Additional information concerning this application is contained in the public notice section of this newspaper.

Minimum 2 column width or 4 inches

3" minimum

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



INSTRUCTIONS FOR PUBLIC NOTICE For New Source Review Air Permit Renewal NOTICE OF APPLICATION AND PRELIMINARY DECISION

We have completed the technical review of your application and issued a preliminary decision. You must comply with the following instructions:

Please Review Notice

We have included in the notice all of the information which we believe is necessary. Please read it carefully and notify us immediately if it contains any errors or omissions. You are responsible for ensuring the accuracy of all information published. You may not change the text of the notice without prior approval from the Texas Natural Resource Conservation Commission (TNRCC).

Newspaper Notice

- You must publish the enclosed *Notice of Application and Preliminary Decision* within **33 calendar days** after the date this information was mailed to you (see date of letter).
- You must publish the enclosed *Notice of Application and Preliminary Decision* at your expense, in the same newspaper(s) in which you published the *Notice of Receipt and Intent to Obtain Permit* for this application. The primary newspaper must be a newspaper that is of general circulation in the municipality where the facilities are or will be located. If the facilities are not located within a municipality, the newspaper must be of general circulation in the municipality nearest the location.
- You must publish this notice in one issue of any applicable newspaper.
- You will find two example notices enclosed in this package. *Example A* must be published in the "public notice" section of the newspaper. *Example B* must be published in the **same issue** of the newspaper as *Example A*; however, it must be published in a prominent location (other than the public notice section). *Example B* notice is intended to refer the public to the "public notice" section of the newspaper where *Example A* provides more information regarding the permit application.
- *Example B* must be a total of at least **6 column inches (standard advertising units)** with a height of at least **3 inches** and a horizontal dimension of **2 column widths**. If the newspaper chosen does not use standard advertising units for measurement, the notice must be at least **12 square inches** with the shortest side of at least **3 inches**.
- Companies that meet the TNRCC's definition of a small business and will not have a significant impact on air quality are not required to publish *Example B*. Contact the TNRCC permit reviewer to determine if you qualify for this exemption.
- The bold text of the enclosed notice must be printed in the newspaper in a font style or size that distinguishes it from the rest of the notice (i.e., **bold**, *italics*). **Failure to do so may require re-notice.**

Alternate Language Notice

In certain circumstances, applicants for air permits must complete notice in alternate languages.

- Public notice rules require the applicant to determine whether a bilingual program is required at either the elementary or middle school nearest to the proposed facility location. Bilingual education programs are determined on a district-wide basis. When students who are required to attend either school are eligible to be enrolled in a bilingual education program, some alternate language notice is required (newspaper notice).
- Since the school district, and not the schools, must provide the bilingual education program, these programs do not have to be located at the elementary or middle school nearest to the proposed facility to trigger the alternate language notice requirement. If there are students who would normally attend the nearest schools, but are eligible to be taught in a bilingual education program at a different location, alternate language notice is required.
- If triggered, publications of alternate language notices must be made in a newspaper or publication primarily printed in each language taught in the bilingual education program. The same newspaper(s) used for *Notice of Receipt and Intent to Obtain Permit* must be used for publication of the *Notice of Application and Preliminary Decision*. This notice is required if such a newspaper or publication exists in the municipality or the county where the facility is or will be located.
- The applicant must demonstrate a good faith effort to identify a newspaper or publication in the required language. If a general circulation newspaper or publication printed in such language cannot be found, publishing in that language is not required. Publication in an alternate language section or insertion within a large publication which is not printed primarily in that alternate language does not satisfy these requirements.
- The applicant has the burden to demonstrate compliance with these requirements. To assist applicants to meet these requirements, the TNRCC has provided a *Bilingual Notice Verification Form* (enclosed).
- It is suggested the applicant work with the local school district to do the following:
 - (a) Determine if a bilingual program is required in the district;
 - (b) Determine which language is required by the bilingual program;
 - (c) Locate the nearest elementary and middle schools; and
 - (d) Determine if any students attending either school are entitled to be enrolled in a bilingual educational program.

If you determine that you must meet the alternate language notice requirements, public notice in Spanish and other alternate languages are available from the TNRCC upon request.

Proof of Publication

- You must submit an **original newspaper clippings** of the published notices which shows the date of publication and the name of the newspaper to the TNRCC Office of the Chief Clerk within **10 business days** after the date of publication.
- You must submit an **original publisher's affidavit** to the Office of the Chief Clerk within **30 calendar days** after the date of publication. **You must use the enclosed affidavit.** The affidavit must clearly identify the applicant's name and permit number.
- You are encouraged to submit the affidavit with the original newspaper clippings described above; however, the affidavit must be submitted no later than **30 calendar days** after publication of notice.

- The **original publisher's affidavit** and **original newspaper clippings of the published notices** must be mailed to:

TNRCC

Office of the Chief Clerk, MC-105

Attn: Notice Team

P.O. Box 13087

Austin, Texas 78711-3087

- Please ensure that the affidavit and newspaper clippings you send to the TNRCC Chief Clerk are originals and that all blanks on the affidavit are filled in correctly. Photocopies of newspaper tear sheets and affidavits are not acceptable.
- Photocopies of newspaper clippings, affidavits, and verifications must **also** be sent to those listed on the enclosed *Notification List* within the deadlines specified above.

Failure to Publish and Submit Proof of Publication

You must meet all publication requirements. **If you fail to publish the notice or submit proof of publication on time**, the TNRCC may suspend further processing on your application or take other actions.

Sign Posting

Applications for air quality permits are not required to post signs during the *Notice of Application and Preliminary Decision*.

Application in a Public Place

- You must provide a copy of the complete application (including any subsequent revisions) and the TNRCC Executive Director's preliminary decision (including the draft permit), at a public place for review and copying by the public. This place must be in the county in which the facility is located or proposed to be located.
- A public place is one that is publicly owned or operated (ex: libraries, county courthouses, or city halls.)
- This copy must be accessible to the public for review and copying and remain in place until the commission has taken action on the application or the commission refers issues to the State Office of Administrative Hearings.
- If the application is submitted to the TNRCC with information marked as confidential, you are required to indicate which specific portions of the application are not being made available to the public. These portions of the application must be accompanied with the following statement: "Any request for portions of this application that are marked as confidential must be submitted in writing, pursuant to the Public Information Act, to the TNRCC Public Information Coordinator, MC-197, P.O. Box 13087, Austin, Texas 78711-3087."
- You must submit verification of file availability within **10 business days** after end of the publications' designated 30-day comment period.

General Information

When contacting the Commission regarding this application, please refer to the permit number at the top of the *Notice of Application and Preliminary Decision*.

If you have questions or need assistance regarding publication requirements, please contact the TNRCC Office of the Chief Clerk at (512) 239-3300 or the project reviewer listed in the cover letter.

BILINGUAL NOTICE VERIFICATION FORM

Applicant Name GAF Materials Corporation
Permit No.: 7711A
Permit Action: Renewal
(Notice of Application and Preliminary Decision)

I certify that, by signifying answers with initials:

Initials

- (a) I have contacted the appropriate school district, and a bilingual program is required by the Texas Education Code in the district;

- or, I have contacted the appropriate school district, and NO bilingual program exists in the district

School District: _____
Contacted: _____
Date: _____

- (b) The name of the elementary school nearest to the proposed facility is:

- (c) The name of the middle school nearest to the proposed facility is:

- (d) Students who are required to attend one of the schools above are enrolled in a bilingual program provided by the district; _____ Yes _____ No

- (e) The following language(s) is/are utilized by students enrolled in the program:

Signed by: _____ Company: _____

Title: _____ Date: _____

If an applicable bilingual program exists, publish notice as outlined in the *Instructions for Public Notice*.

* I certify that the company conducted a diligent search for a newspaper or publication of general circulation in both the municipality and county in which the facility is located or proposed to be located and that no such newspaper or publication was found in any of the following languages in which notice is required: _____

Signed by: _____ Company: _____

Title _____ Date: _____

* I certify that the publishers of the following newspapers have refused to publish notice as requested, and no other newspaper or publication in the same language and of general circulation was found in the municipality or county in which the facility is located or proposed to be located:

Newspaper: _____ Language: _____

Signed by: _____ Company: _____

Title: _____ Date: _____

TNRCC-OFFICE OF THE CHIEF CLERK
MC-105 Attn: Notice Team
PO BOX 13087
AUSTIN TX 78711-3087

Applicant Name: GAF Materials Corporation
Permit No.: 7711A Permit Action: Renewal
Notice of Application & Preliminary Decision

AFFIDAVIT OF PUBLICATION

STATE OF TEXAS §
COUNTY OF _____ §

Before me, the undersigned authority, on this day personally appeared
_____, who being by me duly sworn,

(name of newspaper representative)

deposes and says that (s)he is the _____

(title of newspaper representative)

of the _____; that said newspaper is generally
circulated in _____, Texas;

(in the municipality or nearest municipality to the proposed facility)

that the attached notice was published in said newspaper on the following date(s):

_____.

(Newspaper Representative's Signature)

Subscribed and sworn to before me this the _____ day of _____,
20_____, to certify which witness my hand and seal of office.

(Seal)

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

My Commission Expires _____

TNRCC-OFFICE OF THE CHIEF CLERK
MC-105 Attn: Notice Team
PO BOX 13087
AUSTIN TX 78711-3087

Applicant Name: GAF Materials Corporation
Permit No.: 7711A Permit Action: Renewal
Notice of Application & Preliminary Decision

ALTERNATIVE LANGUAGE AFFIDAVIT OF PUBLICATION

STATE OF TEXAS §
COUNTY OF _____ §

Before me, the undersigned authority, on this day personally appeared
_____, who being by me duly sworn,

(name of newspaper representative)

deposes and says that (s)he is the _____

(title of newspaper representative)

of the _____; that said newspaper is generally
circulated in _____, Texas;

(in the same county as the proposed facility)

that the attached notice was published in said newspaper on the following date(s):

_____.

(Newspaper Representative's Signature)

Subscribed and sworn to before me this the _____ day of _____,
20_____, to certify which witness my hand and seal of office.

(Seal)

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

My Commission Expires _____

NOTIFICATION LIST

It is the responsibility of the applicant to furnish the following offices with copies of the notices published, the *Affidavit of Publication*, a completed copy of the *Bilingual Notice Verification Form*, and a completed *Application Availability Verification Form*. **Originals should be sent to the Office of Chief Clerk**, MC 105, TNRCC, P.O. Box 13087, Austin, Texas 78711-3087. **Copies** should be sent to the following:

Environmental Protection Agency
Regional Administrator
Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

Mr. Tony L. Walker, Manager
Air Program
TNRCC Region No. 4
1101 East Arkansas
Arlington, Texas 76010

Mr. Scott Hill
Air Pollution Control Program
Department of Health and
Human Services
320 East Jefferson Street, Suite LL13
Dallas, Texas 75203

Texas Natural Resource
Conservation Commission
Office of Permitting, Remediation, and
Registration
Air Permits Division
(MC-162)
Mr. Earl Jones
P.O. Box 13087
Austin, Texas 78711-3087

APPLICATION AVAILABILITY VERIFICATION FORM

Applicant Name: GAF Materials Corporation

Permit No.: 7711A

Permit Action: Renewal

NOTICE OF APPLICATION AND PRELIMINARY DECISION

APPLICATION AVAILABILITY:

I certify that the application was made available for review and copying as required by 30 TAC §39.419 and §39.405(g)(2) at a public place in the county where the facilities are or will be located in accordance with the provisions of that section as of the date of this verification.

Location where application was available: _____

Signed by: _____

Title: _____

Company: _____

Date: _____

AIR PERMITS DIVISION MC-162

MR CESAR HAGE
PLANT MGR
GAF MATERIALS CORP
PO BOX 655607
DALLAS TX 75265-5607